REGISTERED No. M. 7463.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VII] Trivandrum, Monday, 26th February 1962 / 7th Phalguna 1883. [No. 39

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 5720/61/Law(J)1. *Dated, Trivandrum, the* 26*th February* 1962/ 7*th Phalguna*, 1883.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 19th February, 1962.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

ACT 6 OF 1962

THE KERALA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1961

An Act to make temporary provisions for industrial relations and other matters to enable the Government to conduct, or provide loan, guarantee or financial assistance for the conduct of, certain industrial undertakings as a measure of preventing unemployment or of unemployment relief.

Preamble.—WHEREAS it is expedient to make temporary provisions for industrial relations and other matters to enable the Government to conduct, or provide loan, guarantee or financial assistance for the conduct of, certain industrial undertakings as a measure of preventing unemployment or of unemployment relief;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Relief Undertakings (Special Provisions) Act, 1961.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any plantation and any calling, service, employment, handicraft or industrial occupation or avocation of workmen, and the word "industrial" shall be construed accordingly;

(b) "relief undertaking" means an industrial undertaking in respect of which a declaration under section 3 is in force.

3. *Declaration of relief undertaking.*—(1) If at any time, it appears to the Government necessary to do so, the Government may, by notification in the Gazette, declare that an industrial undertaking specified in the notification, whether started, acquired or otherwise taken over by the Government, and carried on or proposed to be carried on by themselves or under their authority, or to which any loan, guarantee or other financial assistance has been provided by the Government, shall, with effect from the date specified for the purpose in the notification, be conducted to serve as a measure of preventing unemployment or of unemployment relief and the undertaking shall accordingly be deemed to be a relief undertaking for purposes of this Act.

(2) A notification under sub-section (1) shall have effect for such period not exceeding two years as may be specified in the notification; but it shall be renewable by like notifications from time to time for further periods not exceeding twelve months at a time, so however that all the periods in the aggregate do not exceed five years.

4. *Power to prescribe industrial relations and other facilities temporarily for relief undertaking.*—Notwithstanding any law, usage, custom, contract, instrument, decree, order, award, submission, settlement, standing order or other provision whatsoever, the Government may, by notification in the Gazette, direct that—

(a) in relation to any relief undertaking and in respect of the period for which the relief undertaking continues as such under sub-section (2) of section 3—

(i) all the provisions of the laws specified in the Schedule to this Act, which involve any financial commitment or expenditure shall not apply (and such relief undertaking shall be exempt therefrom), or all or any of such provisions shall, if so directed by the Government, be applied with such modifications (which do not however affect the policy of the said laws) as may be specified in the notification;

(ii) all or any of the agreements, settlements, or awards made under any of the laws specified in the Schedule to this Act, which may be applicable to the undertaking immediately before it was acquired or taken over by the Government or before any loan, guarantee, or other financial assistance was provided to it by or with the approval of the Government for being run as a relief undertaking, shall be suspended in operation, or shall, if so directed by the Government, be applied with such modifications as may be specified in the notification;

(b) during the period in which the relief undertaking continues as such under sub-section (2) of section 3 any liability or obligation of the undertaking accrued or incurred before the undertaking was declared a relief undertaking and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court, Tribunal, Officer or authority shall be stayed;

(c) the right, privilege, obligation or liability referred to in clause (b) shall, on the notification ceasing to have force, revive and be enforceable and the proceedings referred to therein shall be continued:

Provided that in computing the period of limitation for the enforcement of such right, privilege, obligation or liability, the period during which it was suspended under clause (b) shall be excluded notwithstanding anything contained in any law for the time being in force.

5. *Utilisation of profits.*—Such percentage of the profits, if any, made by the Government, as may be prescribed, in carrying on any relief undertaking shall be utilised for the benefit of the persons employed in the undertaking in such manner as may be prescribed.

6. *Protection of action taken under the Act.*—No suit or other legal proceedings shall lie against the Government for anything which is in good faith done or intended to be done under this Act.

7. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the rates of wages payable to the workmen and their work-loads and the salary payable to the staff, the payment of bonus, gratuity, compensation, etc.;

(b) the manner in which the relief undertaking should be run on behalf of the Government;

(c) the strength of staff and labour to be employed for running the relief undertaking economically;

(d) the manner in which the net profits or net losses or surplus funds should be appropriated or disposed of; and

(e) the percentage of profits to be utilised for the benefit of the persons employed in the undertaking and the manner of its utilisation.

(3) All rules made under this section shall, as soon as possible after they are made, be laid before the Legislative Assembly for a period of not less than fourteen days and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

Central Acts

(1) The Industrial Disputes Act, 1947.

(2) The Minimum Wages Act, 1948.

State Acts

(1) The Travancore-Cochin Shops and Establishments Act, 1125.

(2) The Madras Shops and Establishments Act, 1947.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1962.

REGISTERED No. M. 7463.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VII] Trivandrum, Monday 26th February 1962 / 7th Phalguna 1883 [No. 40

GOVERNMENT OF KERALA

Contents

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS TRIVANDRUM, 1962.

GOVERNMENT OF KERALA

Development Department (Municipal Rules)

NOTIFICATIONS

G. O. MS. 145/62/DD. *Dated, Trivandrum, 23rd February* 1962.

I

S. R. O. No. 66/62.—Whereas the Government of Kerala in Notification No. 47706/M1. Rules/61 dated 16-12-1961, published in Kerala Gazette Extraordinary No. 142 dated 16-12-1961 have declared under clause (c) of sub-section (1) of section 4 of the Kerala Municipalities Act, 1960 (Act 14 of 1961) their intention to include the areas specified in the schedule hereto appended within the Mattancherry Municipality ;

And whereas a period of two months from the date of publication of the said notification has expired and the objections and suggestions received have been considered ;

And whereas intimation of the proposed inclusion has been given to the Mattancherry Municipal Council in writing and the said Council has agreed to the proposal ;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Kerala Municipalities Act, 1960 (Act 14 of 1961) the Government of Kerala hereby include with effect from 1-3-1962 the areas specified in the schedule hereto appended within the Mattancherry Municipality.

SCHEDULE

Sy. Nos. 202 to 206, 208 to 488, 744, 759 to 763, 1402, 1406, 1407, 1408 and 1464 of Mundamveli Ariakad and Mulamkuzhi Karas of Rameswaram Village. Sy. Nos. 684/2 and 3, 686/1-3 and 4, 687/1-2 and 3, 763, 787/3, 840/1-3 and 4, 841/1-2-4 and 5, 842, 843/2-3 and 4, 844, 845, 846/1-2, 3, 5, 6, 7 and 8, 847, 849/2 and 3, 854/2, 855/2 and 3 and 1603/4 of Palluruthy Kara in Rameswaram Village. Sy. Nos. 94 to 102 of Soudi Kara of Rameswaram Village. Sy. Nos. 1428 to 1441 and 1445 of Manassery Kara in Palluruthy Village. Sy. Nos. 103 to 105, 108/12 and 15, 110 to 121, 131/2 and 3, 132/1-2-5, 6 and 7, 139 to 162 and 202 to 206 of Mundamveli Kara in Palluruthy Village.

II

S. R. O. No. 67/62.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (Act 32 of 1960), the Government of Kerala after having given the Panchayat specified in column (1) of the Schedule below, reasonable opportunity for showing cause against the proposal and considering their explanations and objections as required by the proviso to sub-section (1) of section 3 of the said Act, hereby exclude with effect from 1-3-1962 the areas specified in column (2) of the said schedule from the Panchayat specified in column (1) thereof for the purpose of including the said areas within the Mattancherry. Municipality.

SCHEDULE

(1)	(2)
Palluruthy Panchayat	Sy. Nos. 202 to 206, 208 to 488, 744, 759 to 763, 1402, 1406, 1407, 1408 and 1464 of Mundamveli Ariakad and Mulamkuzhi Karas of Rameswaram Village. Sy. Nos. 684/2 and 3, 686/1-3 and 4, 687/1-2 and 3, 763, 787/3, 840/1-3 and 4, 841/1-2-4 and 5, 842, 843/2-3 and 4, 844, 845, 846/1, 2, 3, 5, 6, 7 and 8, 847, 849/2 and 3, 854/2, 855/2 and 3 and 1603/4 of Palluruthy Kara in Rameswaram Village. Sy. Nos. 1428 to 1441 and 1445 of Manassery Kara in Palluruthy Village.

III

S. R. O. No. 68/62.—Whereas the Government of Kerala in Notification No. 47706/M1. Rules/61.1 dated 8-6-1961 published in the Kerala Gazette Etxraordinary No. 62 dated 8-6-1961, have declared under clause (b) of sub-section (1) of section 4 of the Cochin Municipal Act, XVIII of 1113, their intention to exclude the areas mentioned in the Schedule hereto appended from the Mattancherry Municipality for the purpose of including the said areas in the Pallururthy Panchayat ;

And whereas a period of two months from the date of publication of the said notification has expired and the explanations and objections received have been considered ;

And whereas intimation of the proposed exclusion has been given to the Mattancherry Municipal Council in writing and its views considered ;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 4 of the Kerala Municipalities Act, 1960 (Act 14 of 1961) the Government of Kerala hereby exclude with effect from 1-3-1962, the area specified in the said schedule from the Mattancherry Municipality for the purpose of including the said areas in the Palluruthy Panchayat.

SCHEDULE

Sy. Nos. 780/2, 781/1 and 1650 of Rameswaram Village in the existing Mattancherry Municipality.

IV

S. R. O. No. 69/62.—Whereas the Government of Kerala under the proviso to sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (Act 32 of 1960) have given notice to the Palluruthy Panchayat of their intention to include the areas mentioned in the schedule appended hereto within the said Panchayat;

And whereas the said Panchayat has agreed to the said proposal;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (Act 32 of 1960) the Government of Kerala hereby include within the Palluruthy Panchayat the area mentioned in the said schedule with effect from 1-3-1962.

SCHEDULE

Sy. Nos. 780/2, 781/1 and 1650 of Rameswaram Village in the existing Mattancherry Municipality.

By order of the Governor,
S. ANANTAKRISHNAN,
Development Commissioner and
Addl. Secretary.